IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1939 of 1984

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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NARSINHBHAI B PARMAR - Appellant(s)
Versus
CHIEF MECHANICAL ENGINEER & 1 - Defendant(s)

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Appearance :

MR JITENDRA M PATEL for Appellant(s) : 1,
MS MEGHA JANI for Defendant(s) : 1,
MR JJ YAJNIK for Defendant(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 17/08/2006

ORAL JUDGMENT

1. This appeal under Workmen's Compensation Act is directed against the judgement and award dated 22.08.1983 passed by the Civil Judge (S. D.) and Workmen Compensation Commissioner, Vadodara, in W.C.C. No. 56 of 1980 whereby the trial court directed applicant to recover Rs. 7,560/- from the opponents.

2. The case of the appellant is that the appellant was appointed as a 'Khalasi' on 11.11.1994 in Western Railway. On 16.11.1999 the appellant was on duty the

appellant and others were engaged in cutting the iron plates on roller machine in the carriage shop. Since one of the iron plate was not properly fitted in the said roller machine and some portion of the said plate was left outside the machine, hence the appellant while trying to adjust the said plate all of a sudden the said plate went inside the machine with the force and speed, with the result the applicant sustained injuries on right hand. He therefore claimed Rs. 12,000/- by way of compensation and the trial court after hearing passed the aforesaid order.

3. Learned advocate for the appellant has submitted that the authority ought to have seen that the appellant has suffered serious injuries and according to the Table the appellant was entitled to get the amount of Rs. 12,000/- as calculated in his application and the evidence.

3.1 He further submitted that the authority has not properly appreciated the evidence on record and ought to have seen that the appellant's rights to promotion were affected and the learned Judge ought to have assessed the loss of earning capacity at 50% but the

learned Judge has not accepted the said averment and submission and thus committed serious error of law.

4. Learned advocate for the respondent has submitted that the order of the trial court is just and proper and no interference has required.

5. Heard both the parties I have gone through the judgement and award of the Trial court, the accident occurred during the course of employment and looking to the claim of Rs. 12,000/- the Trial Court has awarded Rs. 7,560/- by way of compensation. The lower court has considered all the aspects of the matter and nothing is pointed out to show that the appellant is entitled any higher compensation. No case is made out for enhancement. Hence the appeal is dismissed. No order as to costs.

(K.S.JHAVERI, J.)

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